



Rep. Eddie Washington

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LRB095 04707 WGH 36837 a

1 AMENDMENT TO SENATE BILL 577

2 AMENDMENT NO. _____. Amend Senate Bill 577 on page 1, line
3 5 by inserting "6-201, 6-205," after "2-118,"; and

4 on page 5, by inserting after line 9 the following:

5 "(625 ILCS 5/6-201) (from Ch. 95 1/2, par. 6-201)

6 Sec. 6-201. Authority to cancel licenses and permits.

7 (a) The Secretary of State is authorized to cancel any
8 license or permit upon determining that the holder thereof:

9 1. was not entitled to the issuance thereof hereunder;

10 or

11 2. failed to give the required or correct information
12 in his application; or

13 3. failed to pay any fees, civil penalties owed to the
14 Illinois Commerce Commission, or taxes due under this Act
15 and upon reasonable notice and demand; or

16 4. committed any fraud in the making of such

1 application; or

2 5. is ineligible therefor under the provisions of
3 Section 6-103 of this Act, as amended; or

4 6. has refused or neglected to submit an alcohol, drug,
5 and intoxicating compound evaluation or to submit to
6 examination or re-examination as required under this Act;
7 or

8 7. has been convicted of violating the Cannabis Control
9 Act, the Illinois Controlled Substances Act, the
10 Methamphetamine Control and Community Protection Act, or
11 the Use of Intoxicating Compounds Act while that individual
12 was in actual physical control of a motor vehicle. For
13 purposes of this Section, any person placed on probation
14 under Section 10 of the Cannabis Control Act, Section 410
15 of the Illinois Controlled Substances Act, or Section 70 of
16 the Methamphetamine Control and Community Protection Act
17 shall not be considered convicted. Any person found guilty
18 of this offense, while in actual physical control of a
19 motor vehicle, shall have an entry made in the court record
20 by the judge that this offense did occur while the person
21 was in actual physical control of a motor vehicle and order
22 the clerk of the court to report the violation to the
23 Secretary of State as such. After the cancellation, the
24 Secretary of State shall not issue a new license or permit
25 for a period of one year after the date of cancellation.
26 However, upon application, the Secretary of State may, if

1 satisfied that the person applying will not endanger the
2 public safety, or welfare, issue a restricted driving
3 permit granting the privilege of driving a motor vehicle
4 between the petitioner's ~~person's~~ residence and
5 petitioner's ~~person's~~ place of employment or within the
6 scope of the petitioner's ~~person's~~ employment related
7 duties, or to allow transportation for the petitioner
8 ~~person~~ or a household member of the petitioner's ~~person's~~
9 family for the receipt of necessary medical care or, ~~if the~~
10 ~~professional evaluation indicates,~~ provide transportation
11 for the petitioner to and from ~~for~~ alcohol or drug remedial
12 or rehabilitative activity recommended by a licensed
13 service provider, or for the petitioner ~~person~~ to attend
14 classes, as a student, in an accredited educational
15 institution. The petitioner must, ~~if the person is able to~~
16 demonstrate that no alternative means of transportation is
17 reasonably available; provided that the Secretary's
18 discretion shall be limited to cases where undue hardship,
19 as defined by the rules of the Secretary of State, would
20 result from a failure to issue such restricted driving
21 permit. In each case the Secretary of State may issue such
22 restricted driving permit for such period as he deems
23 appropriate, except that such permit shall expire within
24 one year from the date of issuance. A restricted driving
25 permit issued hereunder shall be subject to cancellation,
26 revocation and suspension by the Secretary of State in like

1 manner and for like cause as a driver's license issued
2 hereunder may be cancelled, revoked or suspended; except
3 that a conviction upon one or more offenses against laws or
4 ordinances regulating the movement of traffic shall be
5 deemed sufficient cause for the revocation, suspension or
6 cancellation of a restricted driving permit. The Secretary
7 of State may, as a condition to the issuance of a
8 restricted driving permit, require the applicant to
9 participate in a driver remedial or rehabilitative
10 program; or

11 8. failed to submit a report as required by Section
12 6-116.5 of this Code; or

13 9. has been convicted of a sex offense as defined in
14 the Sex Offender Registration Act. The driver's license
15 shall remain cancelled until the driver registers as a sex
16 offender as required by the Sex Offender Registration Act,
17 proof of the registration is furnished to the Secretary of
18 State and the sex offender provides proof of current
19 address to the Secretary; or.

20 10. ~~9.~~ is ineligible for a license or permit under
21 Section 6-107, 6-107.1, or 6-108 of this Code.

22 (b) Upon such cancellation the licensee or permittee must
23 surrender the license or permit so cancelled to the Secretary
24 of State.

25 (c) Except as provided in Sections 6-206.1 and 7-702.1, the
26 Secretary of State shall have exclusive authority to grant,

1 issue, deny, cancel, suspend and revoke driving privileges,
2 drivers' licenses and restricted driving permits.

3 (d) The Secretary of State may adopt rules to implement
4 this Section.

5 (Source: P.A. 94-556, eff. 9-11-05; 94-916, eff. 7-1-07;
6 94-993, eff. 1-1-07; revised 8-3-06.)

7 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)
8 Sec. 6-205. Mandatory revocation of license or permit;
9 Hardship cases.

10 (a) Except as provided in this Section, the Secretary of
11 State shall immediately revoke the license, permit, or driving
12 privileges of any driver upon receiving a report of the
13 driver's conviction of any of the following offenses:

14 1. Reckless homicide resulting from the operation of a
15 motor vehicle;

16 2. Violation of Section 11-501 of this Code or a
17 similar provision of a local ordinance relating to the
18 offense of operating or being in physical control of a
19 vehicle while under the influence of alcohol, other drug or
20 drugs, intoxicating compound or compounds, or any
21 combination thereof;

22 3. Any felony under the laws of any State or the
23 federal government in the commission of which a motor
24 vehicle was used;

25 4. Violation of Section 11-401 of this Code relating to

1 the offense of leaving the scene of a traffic accident
2 involving death or personal injury;

3 5. Perjury or the making of a false affidavit or
4 statement under oath to the Secretary of State under this
5 Code or under any other law relating to the ownership or
6 operation of motor vehicles;

7 6. Conviction upon 3 charges of violation of Section
8 11-503 of this Code relating to the offense of reckless
9 driving committed within a period of 12 months;

10 7. Conviction of any offense defined in Section 4-102
11 of this Code;

12 8. Violation of Section 11-504 of this Code relating to
13 the offense of drag racing;

14 9. Violation of Chapters 8 and 9 of this Code;

15 10. Violation of Section 12-5 of the Criminal Code of
16 1961 arising from the use of a motor vehicle;

17 11. Violation of Section 11-204.1 of this Code relating
18 to aggravated fleeing or attempting to elude a peace
19 officer;

20 12. Violation of paragraph (1) of subsection (b) of
21 Section 6-507, or a similar law of any other state,
22 relating to the unlawful operation of a commercial motor
23 vehicle;

24 13. Violation of paragraph (a) of Section 11-502 of
25 this Code or a similar provision of a local ordinance if
26 the driver has been previously convicted of a violation of

1 that Section or a similar provision of a local ordinance
2 and the driver was less than 21 years of age at the time of
3 the offense.

4 (b) The Secretary of State shall also immediately revoke
5 the license or permit of any driver in the following
6 situations:

7 1. Of any minor upon receiving the notice provided for
8 in Section 5-901 of the Juvenile Court Act of 1987 that the
9 minor has been adjudicated under that Act as having
10 committed an offense relating to motor vehicles prescribed
11 in Section 4-103 of this Code;

12 2. Of any person when any other law of this State
13 requires either the revocation or suspension of a license
14 or permit.

15 (c) (1) Whenever a person is convicted of any of the
16 offenses enumerated in this Section, the court may
17 recommend and the Secretary of State in his discretion,
18 without regard to whether the recommendation is made by the
19 court may, upon application, issue to the person a
20 restricted driving permit granting the privilege of
21 driving a motor vehicle between the petitioner's residence
22 and petitioner's place of employment or within the scope of
23 the petitioner's employment related duties, or to allow
24 transportation for the petitioner or a household member of
25 the petitioner's family for the receipt of necessary
26 medical care or, ~~if the professional evaluation indicates,~~

1 provide transportation for the petitioner to and from ~~for~~
2 alcohol or drug remedial or rehabilitative activity
3 recommended by a licensed service provider, or for the
4 petitioner to attend classes, as a student, in an
5 accredited educational institution; if the petitioner is
6 able to demonstrate that no alternative means of
7 transportation is reasonably available and that the
8 petitioner will not endanger the public safety or welfare;
9 provided that the Secretary's discretion shall be limited
10 to cases where undue hardship, as defined by the rules of
11 the Secretary of State, would result from a failure to
12 issue the restricted driving permit. Those multiple
13 offenders identified in subdivision (b)4 of Section 6-208
14 of this Code, however, shall not be eligible for the
15 issuance of a restricted driving permit.

16 (2) If a person's license or permit is ~~has been~~ revoked
17 or suspended due to 2 or more convictions of violating
18 Section 11-501 of this Code or a similar provision of a
19 local ordinance or a similar out-of-state offense, or
20 Section 9-3 of the Criminal Code of 1961, where the use of
21 alcohol or other drugs is recited as an element of the
22 offense, or a similar out-of-state offense, or a
23 combination of these offenses, arising out of separate
24 occurrences, that person, if issued a restricted driving
25 permit, may not operate a vehicle unless it has been
26 equipped with an ignition interlock device as defined in

1 Section 1-129.1.

2 (3) If a person's license or permit is ~~has been~~ revoked
3 or suspended 2 or more times within a 10 year period due to
4 any combination of:

5 (A) a single conviction of violating Section
6 11-501 of this Code or a similar provision of a local
7 ordinance or a similar out-of-state offense, or
8 Section 9-3 of the Criminal Code of 1961, where the use
9 of alcohol or other drugs is recited as an element of
10 the offense, or a similar out-of-state offense; or, ~~and~~

11 (B) a statutory summary suspension under Section
12 11-501.1; ~~or~~

13 (C) a suspension pursuant to Section 6-203.1, ~~2 or~~
14 more statutory summary suspensions, or combination of
15 2 offenses, or of an offense and a statutory summary
16 suspension, arising out of separate occurrences, that
17 person, if issued a restricted driving permit, may not
18 operate a vehicle unless it has been equipped with an
19 ignition interlock device as defined in Section
20 1-129.1.

21 (4) The person must pay to the Secretary of State DUI
22 Administration Fund an amount not to exceed \$20 per month.
23 The Secretary shall establish by rule the amount and the
24 procedures, terms, and conditions relating to these fees.

25 (5) If the restricted driving permit is ~~was~~ issued for
26 employment purposes, then the prohibition against

1 operating a motor vehicle that is not equipped with an
2 ignition interlock device ~~this provision~~ does not apply to
3 the operation of an occupational vehicle owned or leased by
4 that person's employer when used solely for employment
5 purposes.

6 (6) In each case the Secretary of State may issue a
7 restricted driving permit for a period he deems
8 appropriate, except that the permit shall expire within one
9 year from the date of issuance. The Secretary may not,
10 however, issue a restricted driving permit to any person
11 whose current revocation is the result of a second or
12 subsequent conviction for a violation of Section 11-501 of
13 this Code or a similar provision of a local ordinance
14 ~~relating to the offense of operating or being in physical~~
15 ~~control of a motor vehicle while under the influence of~~
16 ~~alcohol, other drug or drugs, intoxicating compound or~~
17 ~~compounds,~~ or any similar out-of-state offense, or Section
18 9-3 of the Criminal Code of 1961, where the use of alcohol
19 or other drugs is recited as an element of the offense, or
20 any similar out-of-state offense, or any combination of
21 these offenses, ~~or any combination thereof,~~ until the
22 expiration of at least one year from the date of the
23 revocation. A restricted driving permit issued under this
24 Section shall be subject to cancellation, revocation, and
25 suspension by the Secretary of State in like manner and for
26 like cause as a driver's license issued under this Code may

1 be cancelled, revoked, or suspended; except that a
2 conviction upon one or more offenses against laws or
3 ordinances regulating the movement of traffic shall be
4 deemed sufficient cause for the revocation, suspension, or
5 cancellation of a restricted driving permit. The Secretary
6 of State may, as a condition to the issuance of a
7 restricted driving permit, require the petitioner
8 ~~applicant~~ to participate in a designated driver remedial or
9 rehabilitative program. The Secretary of State is
10 authorized to cancel a restricted driving permit if the
11 permit holder does not successfully complete the program.
12 However, if an individual's driving privileges have been
13 revoked in accordance with paragraph 13 of subsection (a)
14 of this Section, no restricted driving permit shall be
15 issued until the individual has served 6 months of the
16 revocation period.

17 (d) (1) Whenever a person under the age of 21 is
18 convicted under Section 11-501 of this Code or a similar
19 provision of a local ordinance, or a similar out-of-state
20 offense, the Secretary of State shall revoke the driving
21 privileges of that person. One year after the date of
22 revocation, and upon application, the Secretary of State
23 may, if satisfied that the person applying will not
24 endanger the public safety or welfare, issue a restricted
25 driving permit granting the privilege of driving a motor
26 vehicle only between the hours of 5 a.m. and 9 p.m. or as

1 otherwise provided by this Section for a period of one
2 year. After this one year period, and upon reapplication
3 for a license as provided in Section 6-106, upon payment of
4 the appropriate reinstatement fee provided under paragraph
5 (b) of Section 6-118, the Secretary of State, in his
6 discretion, may reinstate the petitioner's driver's
7 license and driving privileges ~~issue the applicant a~~
8 ~~license~~, or extend the restricted driving permit as many
9 times as the Secretary of State deems appropriate, by
10 additional periods of not more than 12 months each, ~~until~~
11 ~~the applicant attains 21 years of age.~~

12 (2) If a person's license or permit is ~~has been~~ revoked
13 or suspended due to 2 or more convictions of violating
14 Section 11-501 of this Code or a similar provision of a
15 local ordinance or a similar out-of-state offense, or
16 Section 9-3 of the Criminal Code of 1961, where the use of
17 alcohol or other drugs is recited as an element of the
18 offense, or a similar out-of-state offense, or a
19 combination of these offenses, arising out of separate
20 occurrences, that person, if issued a restricted driving
21 permit, may not operate a vehicle unless it has been
22 equipped with an ignition interlock device as defined in
23 Section 1-129.1.

24 (3) If a person's license or permit is ~~has been~~ revoked
25 or suspended 2 or more times within a 10 year period due to
26 any combination of:

1 (A) a single conviction of violating Section
2 11-501 of this Code or a similar provision of a local
3 ordinance or a similar out-of-state offense, or
4 Section 9-3 of the Criminal Code of 1961, where the use
5 of alcohol or other drugs is recited as an element of
6 the offense, or a similar out-of-state offense; or, ~~and~~

7 (B) a statutory summary suspension under Section
8 11-501.1; ~~or~~

9 (C) a suspension pursuant to Section 6-203.1, ~~2 or~~
10 ~~more statutory summary suspensions, or combination of~~
11 ~~2 offenses, or of an offense and a statutory summary~~
12 ~~suspension,~~ arising out of separate occurrences, that
13 person, if issued a restricted driving permit, may not
14 operate a vehicle unless it has been equipped with an
15 ignition interlock device as defined in Section
16 1-129.1.

17 (4) The person must pay to the Secretary of State DUI
18 Administration Fund an amount not to exceed \$20 per month.
19 The Secretary shall establish by rule the amount and the
20 procedures, terms, and conditions relating to these fees.

21 (5) If the restricted driving permit is ~~was~~ issued for
22 employment purposes, then the prohibition against driving
23 a vehicle that is not equipped with an ignition interlock
24 device ~~this provision~~ does not apply to the operation of an
25 occupational vehicle owned or leased by that person's
26 employer when used solely for employment purposes.

1 (6) A restricted driving permit issued under this
2 Section shall be subject to cancellation, revocation, and
3 suspension by the Secretary of State in like manner and for
4 like cause as a driver's license issued under this Code may
5 be cancelled, revoked, or suspended; except that a
6 conviction upon one or more offenses against laws or
7 ordinances regulating the movement of traffic shall be
8 deemed sufficient cause for the revocation, suspension, or
9 cancellation of a restricted driving permit. ~~The~~
10 ~~revocation periods contained in this subparagraph shall~~
11 ~~apply to similar out-of-state convictions.~~

12 (e) This Section is subject to the provisions of the Driver
13 License Compact.

14 (f) Any revocation imposed upon any person under
15 subsections 2 and 3 of paragraph (b) that is in effect on
16 December 31, 1988 shall be converted to a suspension for a like
17 period of time.

18 (g) The Secretary of State shall not issue a restricted
19 driving permit to a person under the age of 16 years whose
20 driving privileges have been revoked under any provisions of
21 this Code.

22 (h) The Secretary of State shall require the use of
23 ignition interlock devices on all vehicles owned by an
24 individual who has been convicted of a second or subsequent
25 offense under Section 11-501 of this Code or a similar
26 provision of a local ordinance. The Secretary shall establish

1 by rule and regulation the procedures for certification and use
2 of the interlock system.

3 (i) The Secretary of State may not issue a restricted
4 driving permit for a period of one year after a second or
5 subsequent revocation of driving privileges under clause
6 (a)(2) of this Section; however, one year after the date of a
7 second or subsequent revocation of driving privileges under
8 clause (a)(2) of this Section, the Secretary of State may, upon
9 application, issue a restricted driving permit under the terms
10 and conditions of subsection (c).

11 (j) In accordance with 49 C.F.R. 384, the Secretary of
12 State may not issue a restricted driving permit for the
13 operation of a commercial motor vehicle to a person holding a
14 CDL whose driving privileges have been revoked under any
15 provisions of this Code.

16 (Source: P.A. 93-120, eff. 1-1-04; 94-307, eff. 9-30-05.)"; and

17 by replacing lines 11 through 26 on page 15, all of pages 16
18 and 17, and lines 1 through 7 on page 18 with the following:

19 "3. At the conclusion of a hearing under Section 2-118
20 of this Code, the Secretary of State shall either rescind
21 or continue an order of revocation or shall substitute an
22 order of suspension; or, good cause appearing therefor,
23 rescind, continue, change, or extend the order of
24 suspension. If the Secretary of State does not rescind the
25 order, the Secretary may upon application, to relieve undue

1 hardship (as defined by the rules of the Secretary of
2 State), issue a restricted driving permit granting the
3 privilege of driving a motor vehicle between the
4 petitioner's residence and petitioner's place of
5 employment or within the scope of the petitioner's ~~his~~
6 employment related duties, or to allow transportation for
7 the petitioner, or a household member of the petitioner's
8 family, to receive necessary medical care ~~and if the~~
9 ~~professional evaluation indicates,~~ provide transportation
10 to and from ~~for~~ alcohol or drug remedial or rehabilitative
11 activity recommended by a licensed service provider, or for
12 the petitioner to attend classes, as a student, in an
13 accredited educational institution. ~~The; if the~~ petitioner
14 must ~~is able to~~ demonstrate that no alternative means of
15 transportation is reasonably available and that the
16 petitioner will not endanger the public safety or welfare.
17 Those multiple offenders identified in subdivision (b)4 of
18 Section 6-208 of this Code, however, shall not be eligible
19 for the issuance of a restricted driving permit.

20 (A) If a person's license or permit is ~~has been~~ revoked
21 or suspended due to 2 or more convictions of violating
22 Section 11-501 of this Code or a similar provision of a
23 local ordinance or a similar out-of-state offense, or
24 Section 9-3 of the Criminal Code of 1961, where the use of
25 alcohol or other drugs is recited as an element of the
26 offense, or a similar out-of-state offense, or a

1 combination of these offenses, arising out of separate
2 occurrences, that person, if issued a restricted driving
3 permit, may not operate a vehicle unless it has been
4 equipped with an ignition interlock device as defined in
5 Section 1-129.1.

6 (B) If a person's license or permit is ~~has been~~ revoked
7 or suspended 2 or more times within a 10 year period due to
8 any combination of:

9 (i) a single conviction of violating Section
10 11-501 of this Code or a similar provision of a local
11 ordinance or a similar out-of-state offense or Section
12 9-3 of the Criminal Code of 1961, where the use of
13 alcohol or other drugs is recited as an element of the
14 offense, or a similar out-of-state offense; or, and

15 (ii) a statutory summary suspension under Section
16 11-501.1; ~~or~~

17 (iii) a suspension under Section 6-203.1, 2 or more
18 ~~statutory summary suspensions, or combination of 2~~
19 ~~offenses, or of an offense and a statutory summary~~
20 ~~suspension,~~ arising out of separate occurrences, that
21 person, if issued a restricted driving permit, may not
22 operate a vehicle unless it has been equipped with an
23 ignition interlock device as defined in Section
24 1-129.1.

25 (C) The person must pay to the Secretary of State DUI
26 Administration Fund an amount not to exceed \$20 per month.

1 The Secretary shall establish by rule the amount and the
2 procedures, terms, and conditions relating to these fees.

3 (D) If the restricted driving permit ~~is was~~ issued for
4 employment purposes, then the prohibition against
5 operating a motor vehicle that is not equipped with an
6 ignition interlock device ~~this provision~~ does not apply to
7 the operation of an occupational vehicle owned or leased by
8 that person's employer when used solely for employment
9 purposes.

10 (E) In each case the Secretary may issue a restricted
11 driving permit for a period deemed appropriate, except that
12 all permits shall expire within one year from the date of
13 issuance. The Secretary may not, however, issue a
14 restricted driving permit to any person whose current
15 revocation is the result of a second or subsequent
16 conviction for a violation of Section 11-501 of this Code
17 or a similar provision of a local ordinance ~~relating to the~~
18 ~~offense of operating or being in physical control of a~~
19 ~~motor vehicle while under the influence of alcohol, other~~
20 ~~drug or drugs, intoxicating compound or compounds,~~ or any
21 similar out-of-state offense, or Section 9-3 of the
22 Criminal Code of 1961, where the use of alcohol or other
23 drugs is recited as an element of the offense, or any
24 similar out-of-state offense, or any combination of those
25 offenses, until the expiration of at least one year from
26 the date of the revocation. A restricted driving permit

1 issued under this Section shall be subject to cancellation,
2 revocation, and suspension by the Secretary of State in
3 like manner and for like cause as a driver's license issued
4 under this Code may be cancelled, revoked, or suspended;
5 except that a conviction upon one or more offenses against
6 laws or ordinances regulating the movement of traffic shall
7 be deemed sufficient cause for the revocation, suspension,
8 or cancellation of a restricted driving permit. The
9 Secretary of State may, as a condition to the issuance of a
10 restricted driving permit, require the applicant to
11 participate in a designated driver remedial or
12 rehabilitative program. The Secretary of State is
13 authorized to cancel a restricted driving permit if the
14 permit holder does not successfully complete the
15 program.".